

ANALYSIS

This ordinance amends Title 22 – Planning and Zoning of the Los Angeles County Code to establish development standards for non-commercial wind energy conversion systems and temporary meteorological towers. The ordinance requires a conditional use permit prior to the installation of a non-commercial wind energy conversion system in the unincorporated areas of the county, and it establishes a procedure for the director of planning to grant a minor conditional use permit for applications that are limited in scope and impacts. The ordinance further requires a review by the director of planning prior to the installation of a temporary meteorological tower.

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JAF:cnz

03/06/02 (requested)

06/13/02 (revised)

ORDINANCE NO. 2002-0043

An ordinance amending Title 22 – Planning and Zoning of the Los Angeles County Code to establish development standards for non-commercial wind energy conversion systems and temporary meteorological towers.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 22.08.130 is hereby amended to add the following definition in alphabetical order:

22.08.130 M.

. . .

-- "Meteorological tower, temporary (Temp Met Tower)" means a facility consisting of a tower and related wind-measuring devices, which is used solely to measure winds preliminary to construction of a non-commercial wind energy conversion system.

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SECTION 2. Section 22.08.230 is hereby amended to add the following definition in alphabetical order:

22.08.230 W.

. . .

-- "Wind energy conversion system, non-commercial (WECS-N)" means a facility consisting of a tower, wind turbine generator with blades, guy wires and anchors, and associated control and conversion electronic equipment to convert wind movement

into electricity, with a rated capacity of not more than 50 kW; and that is incidental and subordinate to another use on the same parcel. A facility shall be considered a WECS-N only if it supplies electrical power solely for on-site use, except that when a parcel on which a WECS-N is installed also receives electrical power supplied by a utility company, excess electrical power generated by the WECS-N and not presently needed for on-site use may be used by the utility company in exchange for a reduction in the cost of electrical power supplied by that company to the parcel for on-site use, as long as no net revenue is produced by such excess electrical power.

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SECTION 3. Section 22.20.090 and subsections 22.20.190.B, 22.20.280.B, 22.20.360.B, 22.20.430.B, 22.24.090.B, and 22.24.140.B are hereby amended to add the following to the list of uses subject to a director's review and approval in residential and agricultural zones in alphabetical order:

. . .

-- Meteorological towers, temporary, in conformance with the standards and requirements specified in Part 15 of Chapter 22.52.

. . .

SECTION 4. Subsections 22.20.100.A, 22.20.200.A, 22.20.290.A, 22.20.370.A, 22.20.440.A, 22.24.100.B, and 22.24.150.B are hereby amended to add the following to the list of uses subject to permits in residential and agricultural zones in alphabetical order:

. . .

-- Wind energy conversion systems, non-commercial, in conformance with the standards and requirements specified in Part 15 of Chapter 22.52.

. . .

SECTION 5. Chapter 22.52 is hereby amended by adding Part 15 to read:

Part 15

**NON-COMMERCIAL WIND ENERGY CONVERSION SYSTEMS
AND TEMPORARY METEOROLOGICAL TOWERS**

Sections:

22.52.1600 Purpose.

22.52.1610 Definitions.

22.52.1620 Development standards.

**22.52.1630 Director's review -- Temporary meteorological towers (Temp
Met Towers).**

**22.52.1640 Conditional use permit – Non-commercial wind energy
conversion systems (WECS-N).**

22.52.1600 Purpose. The purpose of this Part 15 is to provide a uniform and comprehensive set of standards, conditions, and procedures for the placement of non-commercial wind energy conversion systems (WECS-N) and temporary meteorological towers (Temp Met Towers) on agriculturally and residentially zoned lots in unincorporated areas of Los Angeles County to encourage the generation of electricity for on-site use, thereby reducing the consumption of electrical power supplied by utility companies. It is the intent of these regulations to assure that such facilities are designed and located in a manner that minimizes visual and safety impacts on the surrounding community, while reducing significant regulatory barriers to the construction of WECS-N and Temp Met Towers. The provisions of this Part 15 shall not apply to WECS-N and Temp Met Towers that were lawfully established prior to the effective date of the ordinance codified in this Part 15.

22.52.1610 Definitions. As used in this Part 15, the following definitions shall apply:

- A. Guy wires. Wire or cable used in tension to support a tower.
- B. Tower. The vertical component of a WECS-N that elevates the wind turbine generator and attached blades above the ground or the vertical component of a Temp Met Tower that elevates the wind measuring devices above the ground.
- C. Wind turbine generator. The component of a WECS-N that transforms mechanical energy from the wind into electrical energy.

22.52.1620 Development standards. WECS-N and Temp Met Towers shall be subject to all applicable regulations of the zone in which they are proposed, except that the following standards shall take precedence over regulations of the zone to the extent that they differ from the regulations of the zone.

A. The following shall be deemed to be conditions of approval of every Temp Met Tower and every WECS-N unless specifically modified pursuant to Section 22.52.1640:

1. Minimum lot size. The minimum lot or parcel size shall be 0.5 acres.
2. Maximum tower height. Tower height shall be measured from the ground to the top of the tower, excluding the wind turbine generator, blades, and wind-measuring devices, as applicable.
 - a. The tower shall not exceed a height of 35 feet above grade for lots or parcels less than one acre in size.
 - b. The tower shall not exceed a height of 65 feet above grade for lots or parcels from one acre to less than two acres in size.
 - c. The tower shall not exceed a height of 85 feet above grade for lots or parcels two acres or greater in size.

3. Location.

a. The minimum distance between a WECS-N or Temp Met Tower, excluding guy wires and their anchors, and any property line or road right-of-way shall be the distance which is equivalent to the height of the facility, including any wind turbine generator, wind-measuring devices, and the highest vertical extent of any blades, provided that the required distance shall also comply with any applicable fire setback requirements pursuant to section 4290 of the Public Resources Code.

b. No part of a WECS-N or Temp Met Tower shall be located within or over drainage, utility, or other established easements, or on or over property lines.

c. Safe clearance shall be provided between a WECS-N or Temp Met Tower and all structures and trees.

4. Design. A WECS-N or Temp Met Tower must be designed and constructed in accordance with the following:

a. Colors. The colors used in the construction materials or finished surface shall be muted and visually compatible with surrounding development.

b. Lighting. A safety light that meets FAA standards shall be required for all facilities exceeding 50 feet in height, including any wind turbine generator, wind-measuring devices, and the highest vertical extent of any blades. A safety light may also be required on shorter towers. All required lights shall be shielded from adjacent properties, and no other lights shall be placed upon the tower.

c. Climbing apparatus. All climbing apparatus must be located at least 12 feet above the ground, and the tower must be designed to prevent climbing within the first 12 feet.

5. Signs. One sign, limited to 18 inches in length and one foot in height, shall be posted at the base of the tower; the sign shall include a notice of no trespassing, a warning of high voltage, and the phone number of the property owner to call in the event of an emergency.

6. Compliance with aviation safety standards. The director shall distribute copies of the proposed site plan, elevation plan, and location map to aviation-related regulatory agencies and facilities with flight operations in the vicinity, as determined by the director, such as the Federal Aviation Administration (FAA), County Forester and Fire Warden, County Sheriff, Edwards Air Force Base, and Air Force Plant 42, as applicable. Any comments received within 30 days of distribution will be considered in establishing conditions, as appropriate.

7. Displacement of parking prohibited. The location of a WECS-N or Temp Met Tower shall not result in the displacement of required parking as specified in Part 11 of Chapter 22.52.

8. Maintenance. Facilities shall be maintained in an operational condition that poses no potential safety hazards.

9. Removal. Within six (6) months after the operation of a WECS-N or a Temp Met Tower has ceased or the permit therefor has expired, whichever occurs first, the permittee shall remove the facility, clear the site of all equipment, and restore the site as nearly as practicable to its condition prior to the installation of the facility. Failure to remove such facility as required above shall constitute a public nuisance. Prior to installation of any such facility, the permittee shall post a performance security, satisfactory to the director of public works, in an amount and form sufficient to cover the cost of the removal of the facility as provided herein. In the event the facility is not so removed within 90 days after the permittee's receipt of notice requiring removal, the county may itself cause the facility to be removed, and the permittee shall be required to pay the county's costs of removal.

B. In addition to the development standards specified in subsection A, the following standards shall be deemed to be conditions of approval of every WECS-N, unless specifically modified pursuant to Section 22.52.1640:

1. Clearance of blade above ground level. No portion of a WECS-N blade shall extend within 20 feet of the ground.
2. Automatic overspeed controls. A WECS-N shall be equipped with manual and automatic overspeed controls to limit the blade rotation speed to within the design limits of the WECS-N.
3. Safety wires. Safety wires shall be installed on the turnbuckles on guy wires of guyed towers.

4. Noise. Noise from a WECS-N shall not exceed 60 dBA SEL (single event noise level), as measured at the closest neighboring inhabited dwelling, except during short-term events such as utility outages and severe windstorms.

5. Visual effects.

a. No WECS-N shall be placed or constructed in such a way that it silhouettes against the skyline above any major ridgeline when viewed from any designated major, secondary, or limited secondary highway on the County Highway Plan, from any designated Scenic Highway, or from any significantly inhabited area, as determined by the director. As used in this Part 15, major ridgeline shall mean any ridgeline that surrounds or visually dominates the landscape, as determined by the director, due to its:

i. Size in relation to the hillside or mountain terrain of which it is a part;

ii. Silhouetting appearance against the sky, or appearance as a significant natural backdrop;

iii. Proximity to and visibility from existing development or major transportation corridors; or

iv. Significance as an ecological, historical, or cultural resource, including a ridgeline that provides a natural buffer between communities or is part of a park or trails system.

b. The top of a WECS-N, including the wind turbine generator and the highest vertical extent of the blades, shall be located at least 25 vertical feet below the top of any adjacent major ridgeline, and a WECS-N shall be located at least 100 horizontal feet from any adjacent major ridgeline.

c. Any WECS-N that is placed within the viewshed of a designated Major, Secondary, Limited Secondary, or Scenic Highway shall be assessed for its visual effects, and appropriate conditions relating to siting, buffers, and design of the facility shall be applied.

d. The placement of a WECS-N shall not obstruct views of the ocean from any residence or highway, and shall otherwise conform to the policies and standards of any applicable Local Coastal Plan.

6. Restriction on use of electricity generated by a WECS-N. A WECS-N shall be used exclusively to supply electrical power for on-site consumption, except that when a parcel on which a WECS-N is installed also receives electrical power supplied by a utility company, excess electrical power generated by the WECS-N and not presently needed for on-site use may be used by the utility company in exchange for a reduction in the cost of electrical power supplied by that company to the parcel for on-site use, as long as no net revenue is produced by such excess electrical power.

22.52.1630 Director's review -- Temporary meteorological towers (Temp Met Towers).

A. Applicability. The provisions of Part 12 of Chapter 22.56 shall apply to an application for director's review of a Temp Met Tower, except as may be modified by this Part 15.

B. Application -- Filing information and documents required. In addition to the information, documents, and fee specified in Section 22.56.1680, an application for director's review of a Temp Met Tower shall include:

1. Drawings to scale of the structure, including the tower, base, wind-measuring devices, footings, and guy wires, if any.

2. Six copies of the proposed site plan, elevation plan, and location map depicting the project location on USGS topographic sheets. Additional copies of these materials may be required by the director. On each set of the required site plan and elevation plan, the applicant shall depict the type and location of any safety lights and energy storage devices.

C. Approval by director. The director shall approve an application for director's review of a Temp Met Tower where the director makes the findings required by Section 22.56.1690 and also finds that the proposed project complies with all of the development standards for Temp Met Towers specified in Section 22.52.1620.

D. Conditions of approval. In approving an application for director's review of a Temp Met Tower, the director shall impose as conditions all applicable development standards specified in Section 22.52.1620 and any additional conditions the director determines to be necessary to insure that such use will be in accord with the findings specified in subsection C.

22.52.1640 Conditional use permit -- Non-commercial wind energy conversion system (WECS-N).

A. Applicability. The provisions of Part 1 of Chapter 22.56 shall apply to an application for a conditional use permit for a WECS-N, except as may be modified by this Part 15.

B. Application -- Filing information and documents required. An application for a conditional use permit for a WECS-N shall contain the following:

1. The information and documents specified in subsection A of Section 22.56.030, including ownership information, mailing labels, and land use maps as specified, except that the applicable radius for the maps and list specified in subsections A.10.a, b, and c shall be 300 feet.

2. Drawings to scale of the structure, including the tower, base, wind turbine generator, blades, footings, guy wires, and associated equipment.

3. Six copies of the proposed site plan, elevation plan, and location map depicting the project location on USGS topographic sheets. Additional copies of these materials may be required by the director. On each set of the required site plan and elevation plan, the applicant shall depict the type and location of any safety lights and energy storage devices.

4. Evidence satisfactory to the director that the proposed wind turbine generator meets the following standards:

a. The wind turbine generator is certified by a qualified, licensed engineer as meeting the requirements of wind turbine-specific safety and/or performance standards adopted by a national or international standards-setting body, including, but not limited to IEC (International Electric Code) standard 61400-2.

b. The wind turbine generator has a manufacturer's warranty with at least five years remaining from the date the application is filed.

c. The model of equipment proposed has a documented record of at least one year of reliable operation at a site with average wind speeds of at least 12 mph.

5. Where modification of any development standard specified in Section 22.52.1620 is requested, the applicant shall identify the requested modifications and substantiate to the satisfaction of the hearing officer that strict compliance with all required development standards would substantially and unreasonably interfere with establishment of the proposed WECS-N on the subject property and the requested modifications would not be contrary to the intent and purpose of this Part 15.

C. Findings. In approving an application for a conditional use permit for a WECS-N, the hearing officer shall make the following findings:

1. The findings specified in Section 22.56.090.
2. That the proposed use complies with all applicable development standards specified in Section 22.52.1620, unless specifically modified as provided herein.
3. If the hearing officer modifies any development standard specified in Section 22.52.1620 at the request of the applicant, that the applicant has substantiated to the satisfaction of the hearing officer that strict compliance with all of the required development standards would substantially and unreasonably interfere with the establishment of any proposed WECS-N on the subject property, and the requested modifications would not be contrary to the intent and purpose of this Part 15.

D. Conditions. In approving an application for a conditional use permit for a WECS-N, the hearing officer:

1. Shall impose as conditions all of the applicable development standards specified in Section 22.52.1620, unless specifically modified as provided herein.
2. May impose any additional conditions deemed necessary to insure that such use will be in accord with the findings specified in subsection C.

E. Appeal. Any person dissatisfied with the action of the hearing officer may file an appeal of such action with the commission within 15 days of the date of mailing or hand delivery of the hearing officer's decision. Notwithstanding the provisions of Chapter 22.60, the decision of the commission shall be final and effective on the date of decision.

SECTION 6. Section 22.56.070 is hereby amended to read as follows:

22.56.070 Application -- Public hearing required -- Exception. In all cases where an application for a conditional use permit is filed ~~and the hearing officer does not grant a request for ex parte consideration,~~ except where the hearing officer grants the permit pursuant to Section 22.56.080 or the director grants the permit pursuant to Section 22.56.085, the hearing officer shall hold a public hearing unless the commission determines to and itself holds a public hearing. In either case, the public hearing shall be held pursuant to the procedure provided in Part 4 of Chapter ~~22.56~~ 22.60.

SECTION 7. Section 22.56.085 is hereby added to read as follows:

22.56.085 Grant or denial of minor conditional use permit by director.

A. Any person filing an application for a conditional use permit may request the director to consider the application in accordance with this section for the following uses:

-- Wind energy conversion system, non-commercial (WECS-N).

B. The purpose of this section is to authorize the director's ex parte consideration of applications that by their nature are limited in scope and impacts.

C. The director shall cause notice of the application to be mailed by first-class mail, postage pre-paid, to all those addresses on the list required by subsection A.10.c of Section 22.56.030 that are within a distance of 300 feet from the exterior boundaries of the parcel of land to be occupied by the requested use, and to such other persons whose property or interests might, in the director's judgment, be affected by the request. The notice shall describe the project and also indicate that any individual may request a public hearing on the application by filing a written request with the director within 15 days after receipt of the notice.

D. Unless at least two requests for a public hearing have been filed with the director as provided in subsection C, the director may grant such permit without a public hearing if the director finds that the use requested, subject to such conditions deemed necessary, will comply with the findings required by Section 22.56.090 and with any applicable requirements of Chapter 22.52, and if he further finds that the impacts of the use requested on safety, facilities and services, and natural resources are minor in nature.

E. The director shall notify the applicant and any persons who filed a timely request for a hearing of his decision. An appeal from the director's decision shall be filed with the hearing officer within 15 days following notification. The decision of the hearing officer may be appealed to the commission. Notwithstanding the provisions of Section 22.60.210, the decision of the commission shall be final.

SECTION 8. Subsection A of Section 22.60.100 is hereby amended to add the following fee in alphabetical order:

22.60.100 Filing fees and Deposits.

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-- Conditional Use Permit for Wind Energy Conversion System (WECS-N) --
\$1,740.00, except that where a request for consideration under Section 22.56.085 is
made, the initial fee shall be \$800.00 and an additional fee of \$940.00 shall be imposed
in the event a public hearing is required by Section 22.56.070.

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[WECSJFCOC]